

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	5004 .3
First Named Inventor	LINCIR, TOM I.
COMPLETE IF KNOWN	
Application Number	/
Filing Date	
Art Unit	
Examiner Name	

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BARBELL PLATE WITH APERTURES FOR USE IN LIFTING THE PLATE

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number or Bar Code Label 23512 OR <input type="checkbox"/> Correspondence address below			
Name			
Address			
City		State ZIP	
Country		Telephone	Fax
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) TOM T.		Family Name or Surname LINCIR	
Inventor's Signature 		Date <i>10/29/03</i>	
Residence: City SAN PEDRO	State CALIFORNIA	Country UNITED STATES	Citizenship U.S.
Mailing Address 600 NORTH PACIFIC AVE.			
City SAN PEDRO	State CALIFORNIA	ZIP 90733-1450	Country UNITED STATES
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of:

TOM I. LINCIR

TITLE: BARBELL PLATE WITH APERTURES FOR LIFTING

CONTINUATION OF SERIAL NO. 09/687,354

FILED: 10/13/2000

ART UNIT: 3764

DECLARATION VERIFYING NATURE OF PRIOR ART CITED

I, Tom Lincir Declare as follow:

I am the inventor of the invention covered by the above indicated Patent Application.

I have been in the business of designing and marketing barbell plates for over thirty five years and am closely familiar with the designs of such plates which have appeared in the marketplace.

I am closely familiar with barbell plates which have been and now are being manufactured and /or marketed as OLYMPIC PLATES including the plates photographically pictured in cross section in Exhibit "A" hereto. Such plates, including those pictured in Exhibit "A" hereto do not have a tapered portion running between the

central portions and the peripheral portions thereof, as taught and claimed in the above indicated Patent Application.

Being duly warned that willful false statements and the like are punishable by fine or imprisonment or both under 18 United States Code 1001 and may jeopardize the validity of the above Application or any patent issuing thereof Declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

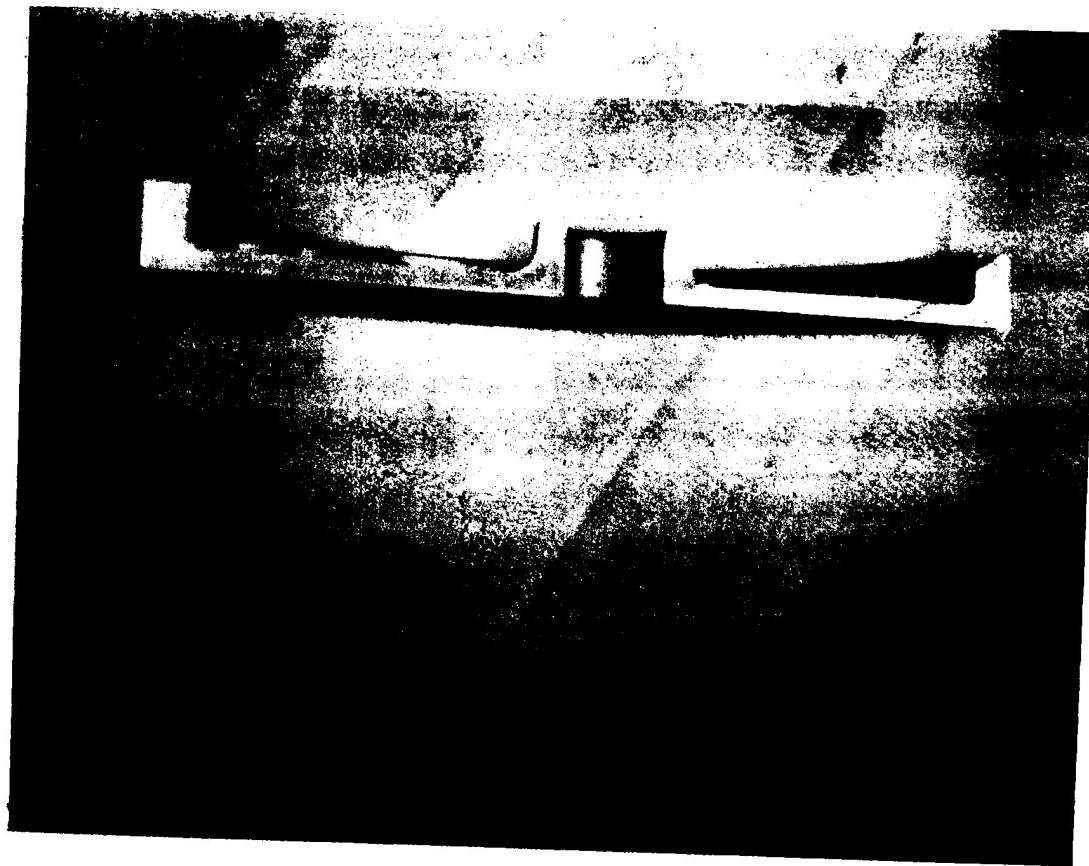
DATE 10-28-04



A handwritten signature in black ink, appearing to read "TOM I. LINCIR".

EXHIBIT

"A"



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of

TOM I. LINCIR.

Title: BARBELL PLATE WITH APERTURES FOR LIFTING

CONTINUATION OF Serial No. 09/687,354

Filed: SEPTEMBER 28, 2000

Art Unit: 3764

DECLARATION VERIFYING PRIOR INVENTION UNDER 37CFR 1.13

I, Tom Lincir Declare as follow:

I am the inventor of the invention covered by the above indicated Patent Application.

The invention covered by said Patent Application was completed prior to August 12, 1999, a fully working model of the device of the device of the invention described in and covered by said Patent Application having been built and operated fully as described in said Patent Application prior to August 12 , 1999. This is prior to the filing dates of the applications from which patent nos D433.720 and D432, 602 matured. A cross-sectional photograph of said working model is submitted herewith as exhibit "A" hereto and a front plan view photograph of said working model is submitted

as exhibit "B" hereto. I do not know and do not believe that this invention has been in public use or on sale or described in a printed publication in this or any foreign country for more than one year prior to said Application and this invention has never been abandoned.

Being duly warned that willful false statements and the like are punishable by fine or imprisonment or both under 18 United States Code 1001 and may jeopardize the validity of the above Application or any patent issuing thereon Declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

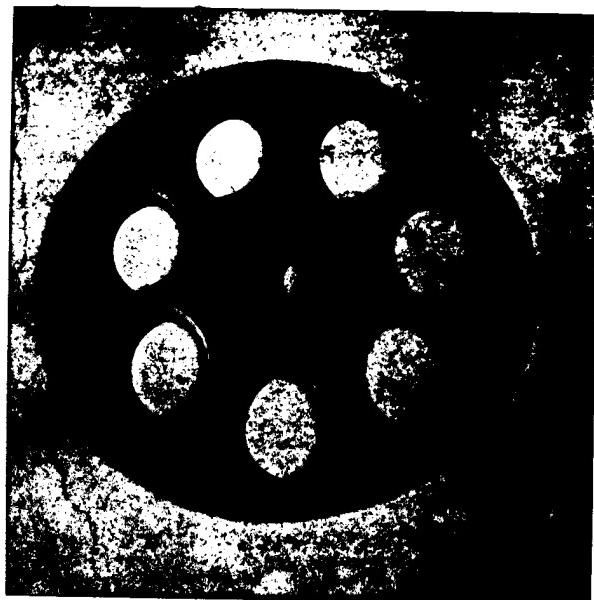
Date 10-28-03



TOM I. LINCIR

EXHIBIT

"B"



EXHIBIT

"A"

